

REMARKS

Amendments to claims 1, 19, 27, and 30 are for the purpose of clarifying what Applicant regards as the invention. Support for the amendments to claims 1 and 19 can be found at least in paragraphs 47 and 48 of the subject application. Support for the amendments to claims 27 and 30 can be found at least in paragraph 54 of the subject application. Amendment to claim 32 is to correct an antecedent basis. No new matter has been added.

Applicant wishes to thank the Examiner for withdrawing the previous rejection under § 103. Applicant also wishes to thank the Examiner for the telephonic discussion on December 13, 2007. During the discussion, no substantive issue was discussed, and Applicant appreciates the Examiner's recommendation to deal with any substantive issue with the response.

I. CLAIM REJECTIONS UNDER § 112

Claim 32 stand rejected under 35 U.S.C. § 112. Claim 32 has been amended to remove the deficiency raised in the Office Action.

II. CLAIM REJECTIONS UNDER § 103

Claims 1-5, 7-9, 13-14, 17-20, 22, and 32 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,453,345 (Treka) in view of U.S. Patent Application Publication No. 2002/0108059 (Canon).

Claim 1 has been amended to recite:

a first processor, the first processor configured to
receive network traffic content,
determine whether a protocol of the network traffic content matches a
prescribed protocol of network traffic content that could contain content desired
to be detected by *comparing a type of the network traffic content with a
prescribed type*,
store the network traffic content in a stack when the protocol of the
network traffic content matches the prescribed protocol, and
*perform filtering of the network traffic if the type of the network traffic
content does not match the prescribed type; and*
a second processor associated with the stack, wherein the second
processor is configured to determine whether the network traffic content contains
the content desired to be detected *if the type of the network traffic content matches
the prescribed type*.

(Emphasis added)

Claim 19 has been amended to recite similar limitations highlighted above. Applicant believes that the amendments to claims 1 and 19 should overcome the § 103 rejection based on Trcka and Canion. In particular, Applicant respectfully notes that Trcka does not disclose or suggest determining whether a protocol of a network traffic content matches a prescribed protocol by *comparing a type of the network traffic content with a prescribed type*, as recited in claim 1 (Emphasis added). Rather, Trcka discloses an Archival Data Processing Modules 90 (“ADPM”) that is configured to determine if a packet is “BAD” by analyzing LAN address to see if it is invalid (figure 3, and 15:47-52). Thus, to the extent that the ADPM 90 is analogized as the “first processor,” and to the extent that the determination of “BAD” packet is analogized as the “determine whether a protocol . . . matches a prescribed protocol” limitation, Trcka does not disclose or suggest that the “BAD” packet is determined by ADPM 90 by comparing the type of network traffic content with a prescribed type.

Also, Applicant respectfully submits that Trcka does not disclose or suggest that the first processor performs filtering of the network traffic if the type of the network traffic content *does not match* the prescribed type, and the second processor configured to determine whether the network traffic content contains the content desired to be detected if the type of the network traffic content *matches* the prescribed type, as recited in claim 1 (Emphasis added). Rather, Trcka discloses that both “GOOD” and “BAD” packets are analyzed by the *same* Surveillance Data Processing Module (SDPM) 94, which the Office Action analogized as the claimed “second processor” (figure 3). Thus, to the extent that the “GOOD” and “BAD” packets are considered different types, these “GOOD” and “BAD” packets are not routed to different processors based on whether the type matches a prescribed type.

Canion also does not disclose or suggest the above discussed limitations, and therefore fails to make up the deficiencies present in Trcka. For at least the foregoing reasons, claims 1 and 19, and their respective dependent claims, are believed allowable over Trcka, Canion, and their combination.

Claim 6, 10, 21, 27-31, and 33-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Trcka, and further in view of U.S. Patent Application Publication No. 2001/0042214 (Radatti), and Canion.

Claims 27 and 30

Claim 27 has been amended to recite flag the network traffic content by inserting data or modifying a portion of the network traffic content. Claim 30 has been amended to recite similar limitation. Applicant believes that the amendment to claims 27 and 30 should overcome the § 103 rejection because none of the cited references discloses or suggests the above limitation regarding flagging by inserting data or modifying a portion of the network traffic content. For at least the foregoing reason, claims 27 and 30, and their respective dependent claims, are believed allowable over Trcka, Radatti, Canion, and their combination.

Claim 40

Claim 40 recites a first processor configured to pass *a first portion* of the network traffic content downstream, and pass *a second portion* of the network traffic content to a stack for allowing the second portion to be scanned for content that is desired to be detected. Trcka does not disclose or suggest such processor. In particular, there is nothing in Trcka that discloses or suggests breaking up the network traffic content into at least two portions, wherein one portion is pass downstream and the other portion is scanned. Radatti and Canion also do not disclose or suggest the above limitations, and therefore, fail to make up the deficiencies present in Trcka. For at least the foregoing reasons, claim 40 and its dependent claim(s) are believed allowable over Trcka, Radatti, Canion, and their combination.

CONCLUSION

Based on the foregoing, all remaining claims are in condition for allowance, which is respectfully requested. If the Examiner has any questions or comments regarding this amendment, the Examiner is respectfully requested to contact the undersigned at the number listed below.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7035332001. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Bingham McCutchen's Deposit Account No. 50-4047, referencing billing number 7035332001.

Respectfully submitted,

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